

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 06-20456 B

ROBERT VICK,

Defendant.

ORDER DISMISSING AS MOOT DEFENDANT'S MOTION TO DISMISS INDICTMENT

Before the Court is the motion of the Defendant, Robert Vick, to dismiss the December 13, 2006 indictment in this case, arguing that Count 1 thereof did not reflect the date on which he "sign[ed] up" to become an informant for the Federal Bureau of Investigation and, therefore, failed to properly notify him of the offense charged. Specifically, the Defendant submits as follows:

Count 1 of the Indictment states that "On or about September 28, 2004, defendant Robert Vick reported to agents of the Federal Bureau of Investigation that he believed a fellow officer of the Memphis Police Department, referred herein as Officer A, was engaged in illegal activity."

Count 1 of the same Indictment also states that "After defendant Robert Vick made the disclosure described in Paragraph 2, herein, to the agents of the Federal Bureau of Investigation, he agreed to become an informant and assist the agents in their investigation."

Said information is incorrect due to the fact that your Defendant did not sign up to be an informant with the Federal Bureau of Investigation until September 27, 2005.

Said deficiency in this Obstruction of Justice Indictment does not clearly establish the date thereby denying your Defendant the opportunity to clearly apprise [sic] him of the manner of the offense and the charges against him.

(Mot. to Dismiss Indictment at 1-2) Although the Government filed a response to the motion on February 6, 2007, a superceding indictment was entered on April 12, 2007. Paragraph 2 of the

superceding indictment reads as follows:

On or about September 27, 2005, defendant ROBERT VICK reported to agents of the Federal Bureau of Investigation that he believed a fellow officer of the Memphis Police Department, referred to herein as Officer A, was engaged in illegal activity.

Therefore, as it appears to the Court that the superceding indictment corrected the date error complained of in the original indictment, the relief sought in the instant motion is now moot. The motion is therefore DISMISSED as moot.

IT IS SO ORDERED this 7th day of May, 2007.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE